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Office Supreme Court, U. S.
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No. 484

In the Supreme Court of the United States

OCTOBER TERM, 1930

FEDERAL TRADE COMMISSION, PETITIONER

v.

RALADAM COMPANY

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SIXTH CIRCUIT AND BRIEF IN SUPPORT THEREOF

SUPPLEMENTAL MEMORANDUM IN BEHALF OF PETITIONER

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The brief of respondent in opposition to our petition for certiorari comments upon the fact that certain exhibits which were considered by the Circuit Court of Appeals but were not copied in the printed record in that court are not before this Court. In order that this Court may examine these exhibits if it sees fit, we are filing the same with the Clerk of this Court at this time.

We submit that it is unnecessary for the Court to examine the exhibits. They were introduced before the Federal Trade Commission to show what representations the respondent made in its advertisements. The nature of these representations can not be disputed. Respondent (petitioner in the Circuit Court of Appeals) stated in its brief filed in that court (pp. 10–11):

> In Paragraph Six of its findings of facts (R. 23, 11, 16–31), respondent found that petitioner, in its advertising matter, had in fact made the representations that are

charged, in Paragraph Five of the complaint as above quoted (R. p. 3, l. 47, to p. 4, l. 11), to have been made by petitioner. The language of the finding in that regard is, without any material variation, the same as the language of the complaint.

No objection is made in petitioner's petition for review to said finding in Paragraph Six of respondent's findings of fact. Petitioner accordingly stands in this court substantially in the position of admitting that in its advertising matter concerning its Marmola Prescription Tablets it did make, in substance, the representations that are charged in the complaint, in Paragraph Five thereof as above quoted, to have been made.

Respectfully submitted.

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BRIEF FOR THE FEDERAL TRADE COMMISSION